

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re HYPODERMIC PRODUCTS
ANTITRUST LITIGATION

**Master Docket No. 05-CV-1602 (JLL)
MDL No. 1730**

THIS DOCUMENT RELATES TO:

**Hon. Jose L. Linares, U.S.D.J.
Hon. Claire C. Cecchi, U.S.M.J.**

LOUISIANA WHOLESALE DRUG
COMPANY, INC., ROCHESTER DRUG
CO-OPERATIVE, INC., JM SMITH d/b/a
Smith Drug Company, DIK DRUG
COMPANY, AMERICAN SALES
COMPANY, INC., PARK SURGICAL
CO. INC. AND SAJ DISTRIBUTORS,
INC., on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

BECTON, DICKINSON AND
COMPANY

Defendant.

**NOTICE OF CLASS SETTLEMENT PURSUANT TO
CLASS ACTION FAIRNESS ACT, 28 U.S.C. § 1715**

To: See Attached Service List

Pursuant to the provisions of 28 U.S.C. § 1715, the defendant Becton, Dickinson and Company (“Becton”) hereby gives notice that the parties in the above-captioned lawsuit have entered into a proposed settlement of a class action subject to the approval of the United States District Court for the District of New Jersey. In compliance with 28 U.S.C. § 1715, BD submits the following documents with this notice:

1. Copies of all complaints and amended complaints filed in this action, pursuant to 28 U.S.C. § 1715(b)(1).

- a. The Class Action Complaint, filed by Louisiana Wholesale Drug Company, Inc. on Apr. 8, 2005, attached hereto as Exhibit A.¹
- b. The Consolidated Amended Class Action Complaint, filed by Plaintiffs Louisiana Wholesale Drug Company, Inc., Rochester Drug Co-Operative, Inc. and JM Smith Corporation d/b/a Smith Drug Company on June 15, 2005, attached hereto as Exhibit B.
- c. The Class Action Complaint, filed by Plaintiff SAJ Distributors, Inc. on Sept. 6, 2005, attached hereto as Exhibit C.
- d. The Class Action Complaint, filed by Plaintiff Dik Drug Company on Sept. 12, 2005, attached hereto at Exhibit D.
- e. The Class Action Complaint, filed by American Sales Company, Inc. on Oct. 3, 2005, attached hereto as Exhibit E.
- f. The Class Action Complaint, filed by Plaintiff Park Surgical Co. Inc. on Oct. 26, 2005, attached hereto as Exhibit F.
- g. The Second Consolidated Amended Class Action Complaint, filed by Plaintiffs Louisiana Wholesale Drug Company, Inc., Rochester Drug Co-Operative, Inc., JM Smith Corporation d/b/a Smith Drug Company, Dik Drug Company, American Sales Company, Inc., Park Surgical Co. Inc. and SAJ Distributors, Inc. on May 10, 2006, attached hereto as Exhibit G.

2. The proposed class action settlement (“Settlement Agreement”), entered into among Becton and Plaintiffs Louisiana Wholesale Drug Company, Inc., Rochester Drug Co-Operative, Inc., JM Smith Corporation d/b/a Smith Drug Company, Dik Drug Company, American Sales Company, Inc., Park Surgical Co. Inc., SAJ Distributors, Inc., and the Direct Purchaser Class, entered into on Apr. 27, 2009, attached hereto as Exhibit H pursuant to 28 U.S.C. § 1715(b)(4).

¹ Those individuals on the attached service list will receive exhibits to this notice on an enclosed DVD.

3. The proposed notification to class members (“Notice of Proposed Settlement of Class Action, Direct Purchaser Plaintiffs’ Counsel’s Motion for Attorneys’ Fees, and Hearing regarding Settlement”), included as Exhibit B to the Settlement Agreement (Ex. H), pursuant to 28 U.S.C. § 1715(b)(3).
4. A reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement are listed in the table attached to this notice as Exhibit I, pursuant to 28 U.S.C. § 1715(b)(7)(B).

At this time, there is no scheduled judicial hearing for the preliminary approval of the proposed settlement (28 U.S.C. § 1715(b)(2)), there has been no final judgment or notice of dismissal (28 U.S.C. § 1715(b)(6)), and there is no written judicial opinion relating to the materials described under subparagraphs (3) through (6) of subsection 1715(b) (28 U.S.C. § 1715(b)(8)). Becton will send to the attached Service List supplemental notice of each of the events and documents described in this paragraph.

Respectfully submitted,

PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP

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Becton, Dickinson and Company

Dated: April 5, 2010

In re Hypodermic Products Antitrust Litigation
 No. 05-CV-1602 (JLL), MDL No. 1730 (D.N.J.)
 SERVICE LIST FOR NOTICE PURSUANT TO CAFA, 28 U.S.C. § 1715

Hon. Eric H. Holder, Jr. Attorney General for the United States Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-0001	Hon. Troy King Attorney General of Alabama Office of the Attorney General 500 Dexter Avenue Montgomery, AL 36130
Hon. Daniel S. Sullivan Attorney General of Alaska Office of the Attorney General P.O. Box 110300 Juneau, AK 99811-0300	Hon. Terry Goddard Attorney General of Arizona Office of the Attorney General 1275 West Washington Street Phoenix, AZ 85007
Hon. Dustin McDaniel Attorney General of Arkansas Office of the Attorney General 323 Center Street, Suite 200 Little Rock, AR 72201	Hon. Edmund G. Brown, Jr. Attorney General of California Office of the Attorney General California Department of Justice Attn: Public Inquiry Unit P.O. Box 944255 Sacramento, CA 94244-2550
Hon. John W. Suthers Attorney General of Colorado Office of Attorney General 1525 Sherman Street, 7th Floor Denver, CO 80203	Hon. Richard Blumenthal Attorney General of Connecticut Office of the Attorney General 55 Elm Street Hartford, CT 06106
Hon. Joseph R. Biden, III Attorney General of Delaware Office of the Attorney General 820 N. French Street Wilmington, DE 19801	Hon. Peter J. Nickles Attorney General of District of Columbia Office of the Attorney General Government of the District of Columbia One Judiciary Square 441 4th Street, N.W. Suite 1145S Washington, D.C. 20001
Hon. Bill McCollum Attorney General of Florida Office of Attorney General State of Florida The Capital PL-01 Tallahassee, FL 32399-1050	Hon. Thurbert E. Baker Attorney General of Georgia Office of the Attorney General 40 Capital Square, S.W. Atlanta, GA 30334-1300

Hon. Mark Bennett Attorney General of Hawaii Office of the Attorney General 425 Queen Street Honolulu, HI 96813	Hon. Lawrence Wasden Attorney General of Idaho Office of the Attorney General 700 W. State Street P.O. Box 83720 Boise, ID 83720-0010
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Hon. Jack Conway Attorney General of Kentucky Office of the Attorney General 700 Capitol Avenue, Suite 118 Frankfort, KY 40601-3449	Hon. James Caldwell Attorney General of Louisiana Office of the Attorney General 1885 N. Third Street Baton Rouge, LA 70802
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Hon. Martha Coakley Attorney General of Massachusetts Office of Attorney General One Ashburn Place Boston, MA 02108	Hon. Mike Cox Attorney General of Michigan Michigan Department of Attorney General G. Mennen Williams Building, 7th Floor 525 W. Ottawa St. P.O. Box 30212 Lansing, MI 48909-0212

<p>Hon. Lori Swanson Attorney General of Minnesota Office of the Attorney General 1400 Bremer Tower 445 Minnesota Street St. Paul, MN 55101-2131</p>	<p>Hon. Jim Hood Attorney General of Mississippi Office of the Attorney General Walter Sillers Building 550 High Street, Suite 1200 Jackson, MS 39201</p>
<p>Hon. Chris Koster Attorney General of Missouri Office of the Attorney General Supreme Court Building 207 W. High St. P.O. Box 899 Jefferson City, MO 65102</p>	<p>Hon. Steve Bullock Attorney General of Montana Office of the Attorney General Department of Justice P.O. Box 201401 Helena, MT 59620-1401</p>
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<p>Hon. Gary King Attorney General of New Mexico Office of the Attorney General 408 Galisteo St. Villagra Building Santa Fe, NM 87501</p>	<p>Hon. Andrew M. Cuomo Attorney General of New York Office of the Attorney General The Capitol Albany, NY 12224-0341</p>
<p>Hon. Roy Cooper Attorney General of North Carolina Office of the Attorney General 9001 Mail Service Center Raleigh, NC 27699-9001</p>	<p>Hon. Wayne Stenehjem Attorney General of North Dakota Office of the Attorney General State Capital 600 E. Boulevard Ave. Dept. 125 Bismarck, ND 58505</p>

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Hon. Darrell V. McGraw, Jr. Attorney General of West Virginia Office of Attorney General State Capital Complex Bldg. 1, Room 26-E Charleston, WV 25305	Hon. J.B. Van Hollen Attorney General of Wisconsin Wisconsin Department of Justice 114 East State Capitol Madison, WI 53707-7857
Hon. Bruce A. Salzburg Attorney General of Wyoming Office of the Attorney General 123 Capitol Building 200 W. 24th Street Cheyenne, WY 82002	